IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRI. BAIL APPLICATION NO. 5345 OF 2004

Dr. Rahul Nyanesh Palshetkar ..Petitioner.

V/s.

The State of Maharashtra .. Respondents.

Shri Sanjeev P. Kadam for Petitioner.
Shri K.V. Saste, APP for Respondent- State.
Mrs. Mallika A. Ingale for the Complainant.

CORAM : A.M.KHANWILKAR, J.
DATED : DECEMBER 15, 2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. The factual position noted by the court below that death is not caused due to the alleged injuries caused by the applicant, that position is supported from the post mortem report on record. Prima facie, there is substance in the argument canvassed on behalf of the applicant that except the circumstances of last seen together, there is no other material to connect the applicant with the alleged offence. The dead body was recovered after three days, whereas the applicant was attending to his work during this period. Assuming that the applicant had some relations with

the deceased Varsha Chalke, there is no reason forthcoming as to why he would nurture the grievance against the father in law, who is found dead. As the case is based essentially on the circumstantial evidence and as the applicant is permanent resident of Dombivali and doctor by profession, besides the investigation is complete and the chargesheet has also been filed, taking over all view of the matter, the Applicant deserves to be enlarged on bail on the following conditions:-

(a) The Applicant is enlarged on bail in connection with C.R.No.I-92 of 2004, registered with Vishnu Nagar Police Station, Dombivali (W), on executing personal bond in the sum of Rs. 50,000/- (Rs. Fifty thousands only) with two local sureties in the like amount.

(b) The Applicant shall report to the concerned police station once in a month during the pendency of the trial, on first Saturday of every English calendar month between 10 a.m.to 12 p.m.

(c) The applicant shall extend full co-operation for early disposal of the trial. If the trial court

is of the opinion that the applicant is responsible for delay in the trial, that fact may be recorded by the trial court in the Rozanama, which will be a ground for cancellation of the bail of the applicant.

(d) The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

(e) The Applicant shall not leave the jurisdiction of the concerned Dombivali Police Station without prior intimation to the investigating officer as well as to the Trial Court.

3. Ordered accordingly.

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